

ZONING ADMINISTRATOR

NOTICE OF DECISION

Date: August 24, 2010
Applicant: Angelica McDonald/Mon Petit Chateau
Case No.: PCC-10-031
Address: 861 Harold Place, Suite 204-205, Chula Vista, Ca.
A.P.N.: 595-710-08-00
Project Planner: Richard Zumwalt, A.I.C.P., Associate Planner

Notice is hereby given that on August 20, 2010, the Zoning Administrator considered Conditional Use Permit Application PCC-10-031 filed by Angelica MacDonald for the Mon Petit Chateau Recreation Center and Café ("Applicant"), at 861 Harold Place, Suite 204-205, Chula Vista, Ca. ("Project Site"). The Project Site is zoned "Business Center - 1" (BC-1) Planned Community District Regulation by the Eastlake Business Center Sectional Planning Area (SPA), and has a General Plan designation of Limited Industrial (IL). The Property is owned by High Tech Research Center at Eastlake, L.P. ("Property Owner"). The proposed Project is more specifically described below:

The Applicant requests approval of a Conditional Use Permit to operate the "Mon Petit Chateau" indoor playground/exercise/educational facility and cafe, offering play facilities, private party rooms and classes for children, and classes for adults in the evenings, in two adjacent suites with a total area of 28,644 square feet ("Project"). The business will be located in a multi-tenant industrial/office building, with exclusive use of 22 parking spaces. The site is located in the Eastlake Business Center Planned Community, and is designated as a "Business Center Manufacturing Park" (BC-1) District by the Eastlake Business Center Sectional Planning Area (SPA). Pursuant to Sections IV.1.C. and IV.1.H of the Eastlake Business Center Planned Community District Regulations, the indoor playground/exercise/educational facility and café are permitted uses upon approval of a Conditional Use Permit.

The Environmental Review Coordinator has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code, has been able to make the Conditional Use Permit findings as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

This finding is met because the approval of this project will enable the applicant to use the project site to provide valuable services to the community, including an indoor

playground/exercise/educational facility offering a nurturing environment for younger children, including play facilities, private party rooms and classes during the daytime hours. Exercise and dance classes for adults will be held in the evenings. A small cafe will also be available to serve the customers, private parties, and the general public.

The proposed use at this location is necessary or desirable because the project site is located in a light industrial/office area that contains similar types of service businesses, and project-related activities will not adversely affect operation of the adjacent businesses. There are no incompatible land uses nearby that could adversely affect the employees and customers of this business.

That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

This finding is met because a condition of approval has been included in the Conditional Use Permit that requires that the applicant obtain approval of a Building Permit in compliance with applicable sections of the California Building and Fire codes. All project-related activities will be conducted indoors and will not adversely affect adjacent businesses or properties. The Project site is located in a multi-tenant light industrial complex that contains a total of 141 parking spaces, of which 48 are assigned to individual suites, and 93 are shared. The applicant has exclusive use of 22 parking spaces, which complies with the minimum parking requirement established by the Eastlake Business Center Sectional Planning Area (SPA) Planned Community District Regulations (zoning). This includes 12 parking spaces to serve the café and 10 parking spaces to serve the classes. Thus, adequate parking will be available to serve both the project and the rest of the complex.

That the proposed use will comply with the regulations and conditions specified in the code for such use.

This finding is met because the granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-10-031.

That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

The General Plan designates the site as Limited Industrial. This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the Eastlake Business Center Sectional Planning Area (SPA) Plan, is consistent with Limited Industrial (IL) permitted land uses. Thus, the proposed project is consistent with the Limited Industrial (IL) General Plan land use designation and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-10-031 as described above subject to the following conditions:

The following conditions shall apply to the Project Site, and the Applicant or successor-in-interest shall satisfy these conditions prior to issuance of the first building permit for the project, or at the timeframe specified in the condition. Upon completion, the Applicant shall remain in compliance with the conditions as long as the Project relies upon this approval:

PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the PCC-10-031 approved plans, as amended herein, which include site plans and floor plans on file in the Planning Division, the conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner and Applicant or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Applicant or Authorized Representative

Date

3. The Applicant shall apply for and obtain a sign permit for any required site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60.
4. Prior to issuance of the building permit, submit a revised site plan for the Conditional Use Permit that includes a parking table showing the following:
 - a. Proposed parking = 22 parking spaces;
 - b. Required parking= 22 parking spaces, including:
 - i. Classes (2 employees; 2 classes at maximum 15 persons each) = 10 parking spaces @ 0.5 spaces per employee plus 1.0 spaces per 3 students.
 - ii. Café (30 seats) = 12 parking spaces @ 1.0 spaces per 2.5 seats;
 - c. A note stating that 22 parking spaces are available for exclusive use by the applicant.

BUILDING DIVISION

5. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to the 2007 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2007 Fire Code, 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, and 2008 California Energy Code, as adopted and amended by the State of California and City of Chula Vista. Permits must also comply with the City Green Building Ordinance (CVMC 15.12), and all other locally adopted City and State requirements.
6. This project must be designed by an Architect or Engineer licensed by the State of California (California Business and Professional Code 5536.1, 6735).
7. Provide a Building Code Data Legend on the title (first) sheet of the building plans including code information:
 - a. Proposed and allowable number of stories for each building or space proposed.
 - b. Proposed and allowable floor area, CBC Table 503.
 - c. Proposed and allowable building height.
 - d. Type of fire sprinklers (Full 13, 13 R, 13D, not sprinklered); CBC Ch. 9.
 - e. Provide calculations for area and height increases.
 - f. Provide a revised mixed-use area calculation for multiple occupancies.
8. Exterior walls shall have a fire resistance rating per CBC I-601 and I-601.
9. Egress, including occupant load as well as fire separation, will be reviewed at the time of plan check.

10. Additional toilets shall be provided as necessary to comply with applicable code.
11. Add dimensions to the building permit site plan showing distances from the building to all property lines, street centerlines, and adjacent existing structures on site.
12. Applicant shall be required to obtain a Certificate of Occupancy prior to occupancy of the suite.

ENGINEERING / LAND DEVELOPMENT DIVISION

13. The following fees will be required based on the Final Building Plans submitted, unless they have previously been paid in conjunction with the building permit approved for the construction of the building:
 - a. Sewer Connection and Capacity Fees
 - b. Traffic Signal Fees
 - c. Public Facilities Development Impact Fees (PFDIF)
 - d. Western Transportation Development Impact Fees (WTDIF)
14. Prior to obtaining any Building Permit for the Project, if the project's total on-site improvements exceed Engineering Threshold of (currently \$33,762.11), per CVMC, Section 12.24.020, then the applicant shall be required to obtain a Construction Permit from the Land Development Section of the Department of Development Services. (The On-Site Improvements Trigger for Installation of Public Improvements is adjusted on an annual basis on July 1 based on the Engineer Construction Cost Index, See Attachment). If either of the following conditions described in a or b below apply, then a Construction Permit is required to perform the following work in the City's right-of-way, which may include, but is not limited to:
 - a. Removal and replacement of any broken or damaged curb, gutter, and sidewalk per SDRSD G-2, and G-7 along the project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
 - b. Removal and replacement of existing driveway(s) meeting design standards as shown in Chula Vista Construction Standard CVCS-1A. Current Driveway(s) shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing driveway is cracked or broken. Dedication of R/W as needed in order for driveway to comply with (American Disability Act) ADA requirements.

15. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.

FIRE DEPARTMENT

16. Submit and obtain approval of building plans that comply with the 2007 Fire Code, and with the Fire Department conditions of approval listed below.
17. Provide a Knox Vault at the main entrance to the building in accordance with Chula Vista Fire Department Guidelines.
18. The building address shall be designed in accordance with the following criteria:

If the proposed buildings are located between 0-50 ft from the building to the face of the curb, the street address numbering shall be 6-inches in height with a 1-inch stroke. Suite identification numbers shall be a minimum of 6 inches high.
19. Occupant load signs to be installed in each separate room.
20. Provide one fire extinguisher for every 3,000 square feet and 75 feet of travel in any direction.
21. Provide one serviced fire extinguisher and show the location on the building plans. Indicate the size of the fire extinguisher: minimum required is 2:A-10:B:C.
22. Plans do not show emergency illumination. Please provide emergency means of egress illumination, in accordance with Ca. Fire Code Chapter 10, Section 1006:
 - a. Provide or show existing exit discharge components like the required emergency illumination at the exterior exit door landings.
 - b. Provide a photometric drawing indicating emergency means of egress illumination levels in accordance with the CFC requirements of Section 1006.
23. Each door in a means of egress from a Group A occupancy shall be panic hardware. Exception would be one main door. {Checking with Fire on this language}
24. Provide a door and hardware schedule.
25. If there are any modifications to the sprinkler system, or the fire alarm system, a deferred submittal to the Fire Department will be required, prior to any modification.

26. Commercial cooking equipment that produces grease-laden vapors shall be provided with a Type 1 hood and an automatic fire extinguisher system that is listed and labeled for its intended use.

Upon certification by the Development Services Department for occupancy or establishment of use allowed by this Conditional Use Permit, the following conditions shall apply:

27. Limited retail sales of items related to the principal business, including the indoor playground and parties for children, and exercise, dance and educational classes for children and adults, are permitted to customers only.
28. The hours of operation on Monday through Friday shall be limited to 10:00 am-8:00 pm, and the hours of operation on Saturday and Sunday shall be limited to 10:00 am-6:00 pm.
29. Classes shall be limited to a maximum of two classes at one time, and a maximum size of 15 persons per class.
30. The number of parking spaces available for exclusive use by the applicant shall not drop below the minimum code requirement of 22 spaces.
31. The business shall be operated in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
32. This Conditional Use Permit authorizes only the use specified in the application for PCC-10-031. Any new use, modification or expansion of the use, or activities not authorized under this Conditional Use Permit, shall be subject to the review and approval of the Zoning Administrator.
33. Upon the receipt of an application for administrative substantial conformance review of this permit and the applicable fee, the Zoning Administrator will consider granting of minor modifications to this permit, such as hours of operation, class size, or addition of parking spaces, without notice or hearing.
34. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
35. This permit shall expire five years after the date of approval, unless the applicant has previously applied for, or the Zoning Administrator has previously granted an extension of this Conditional Use Permit. The Zoning Administrator shall review this conditional use permit for compliance with the conditions of approval and

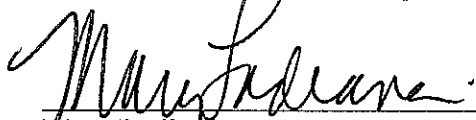
shall determine, in consultation with the applicant, whether the project needs to be modified from its original approval as part of the extension approval.

36. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

37. Applicant and his/her successors in interest agree to defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action or proceeding against the City, or its agents, officers or employees, to attack, set aside, void or annul any approval by the City, including approval by its Planning Commission, City Council or any approval by its agents, officers, or employees with regard to this Conditional Use Permit, provided the City promptly notifies the Applicant of any claim, action or proceeding and on the further condition that the City fully cooperates in the defense.

38. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 24th day of August, 2010.



Mary Ladiana,
Zoning Administrator

cc Steve Power, Principal Planner
Mosarch+LC Design Studio, Attn: Ramon Moscoso, 3406 Paseo De Sabato,
National City, Ca 91950.
Lou El Khazen, Building Division

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